

AFFILIATED UTE CITIZENS,
Appellant

v.

UTE INDIAN TRIBE OF THE UINTAH
AND OURAY RESERVATION,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 98-92-A
:
:
: May 13, 1998

On April 16, 1998, the Board of Indian Appeals received a notice of appeal from the Affiliated Ute Citizens, through its President, Dora Van. The notice of appeal stated that it concerned an "April 6, 1997 'pooled' drawing for turkey and bear permits." It did not indicate that Appellant was seeking review of a decision made by a Bureau of Indian Affairs official but, rather, suggested that Appellant objected to actions taken by the Ute Indian Tribe of the Uintah and Ouray Reservation and/or actions which Appellant expected the Tribe to take in the future. As relief, Appellant requested that "an immediate Administrative Injunction be issued against the Ute Tribal Business Committee."

Noting that it does not have jurisdiction over decisions made or actions taken by an Indian tribe, the Board stated: "[I]n order to show that the Board has jurisdiction over this appeal, Appellant must demonstrate that it has filed a timely appeal from a decision of a BIA Area Director or other BIA official whose decisions are subject to appeal to the Board." The Board ordered Appellant to furnish a copy of the BIA decision, if any, which it sought to appeal.

In its response, Appellant furnishes no BIA decision but states that its new appeal is "supplementary" to an appeal it filed earlier, Affiliated Ute Citizens v. Phoenix Area Director, Docket No. IBIA 98-75-A.

From the response, it appears that Appellant did not intend to file a new appeal but simply intended to make a filing in its pending appeal. In any event, Appellant has failed to furnish any BIA decision from which this filing could constitute a timely notice of appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction. Appellant's "Notice of Appeal" dated April 14, 1998, is deemed to be a filing in Docket No. 98-75-A and is added to the file for that appeal.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge